

REMARKS

This Amendment is being filed in response to the Office Action mailed March 24, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-3, 6-18 and 20-21 remain in this application, where claims 5 and 19 have been currently canceled without prejudice and claims 20-21 have been currently added. Claims 1 and 18 are independent.

In the Office Action, claims 1-3 and 5-19 are rejected under 35 U.S.C §103(a) over U.S. Patent No. 7,203,952 (Broadus) in view of U.S. Patent Application Publication No. 2001/0013126 (Lemmons). Further, claims 1-3, 5-11 and 15-19 are rejected under 35 U.S.C §103(a) over Broadus in view of U.S. Patent Application Publication No. 2002/0199185 (Kaminski). Claims 12-14 are rejected under 35 U.S.C §103(a) over Broadus and Kaminski in view of Lemmons. Claims 1-3, 5-11 and 15-19 are rejected under 35 U.S.C §103(a) over

Broadus in view of Lemmons U.S. Patent Application Publication No. 2004/0123320 (Daily). It is respectfully submitted that claims 1-3, 6-18 and 20-21 are patentable over Broadus, Lemmons, Kaminski and Daily for at least the following reasons.

Broadus is directed to a passive program completion status indicator for an electronic program guide. As correctly noted by the Examiner on pages 6, 12-13 and 21 of the Office Action, Broadus does not teach or suggest determining an ordered content item list by ordering the content items in accordance with the fraction of the remaining duration of each content item, as recited in independent claims 1 and 18. Lemmons, Kaminski and Daily are cited in an attempt to remedy the deficiencies in Broadus.

Lemmons is directed to an interactive program guide systems. As clearly shown in FIG 7 and recited on page 8, paragraph [0082], Lemmons discloses sorting by:

"Telecast Time," "Alphabetize," and sort in "Channel" order, but it may also include sort by "Rating." (Emphasis added)

Kaminski is directed to systems and methods for managing a time-shift buffer (TSB) that is used for buffering video

presentations. As shown in FIGs 14, 15B and described on page 10, paragraph [0094], a sorted list is presented to the user, where the sorted list (shown in the Sorted Buffered Programs List (SBPL) screen 1510 of FIG 15B) is sorted based on buffered length or play time 1413.

Daily is directed to an interactive multimedia selection guide where sorting may be done by program length, as recited in paragraph [0062].

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claim 18, amongst other patentable elements recites (illustrative emphasis provided):

determining an ordered content item list by ordering the plurality of content items in response to the content item duration indication of each content item, wherein the content item duration indication comprises an indication of a fraction of a remaining duration of each content item relative to a total duration of each content item, and wherein the ordered content item list is ordered in accordance with the fraction; and presenting the ordered content item list as the selection list to a user.

Presenting an ordered content item list which is ordered in

accordance with the fraction of a remaining duration of each content item relative to a total duration of each content item is nowhere taught or suggested in Broadus, Lemmons, Kaminski, Daily, and combination thereof. Rather, Broadus merely discloses to sort by time, Lemmons merely discloses sorting by start or telecast time, Kaminski merely discloses sorting by play time, and merely Daily discloses sorting by program length.

Further, the Broadus indication of the completion status that includes a ratio, is the ratio of "elapsed time to the running time." (Broadus, Abstract, lines 6-7; see also column 7, lines 32-33; emphasis added) Such a ratio is different from the "fraction of a remaining duration of each content item relative to a total duration," as recited in independent claims 1 and 18.

At best, the combination of Broadus, Lemmons, Kaminski and Daily discloses presenting an indication to the user that includes a ratio of the elapsed time to the running time, or the remaining time, such as item 509 in FIG 5 of Broadus. Even assuming, arguendo, that in addition to presenting indications, the combination of Broadus, Lemmons, Kaminski and Daily also discloses

to present an ordered list based on such indications, any such ordered list is ordered based on the ratio of "elapsed time to the running time." (Broadus, Abstract, lines 6-7; emphasis added)

However, Broadus, Lemmons, Kaminski, Daily, and combinations thereof, do not disclose or suggest presenting an ordered list which is ordered in accordance with the fraction of a remaining duration of each content item relative to a total duration of each content item, as recited in independent claims 1 and 18.

Accordingly, it is respectfully submitted that independent claims 1 and 18 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-3, 6-17 and 20-21 should also be allowed at least based on their dependence from independent claim 1.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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